

amendments to Claims 1 and 11 have also been made to clarify the antecedent basis problem noted by the Office. As such, no new matter has been added. Entry and due consideration of these amendments are thus respectfully requested.

The Office has rejected Claims 1 and 9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In view of the amendments above, it is respectfully submitted that these rejections are now moot. Reconsideration and withdrawal of these rejections are thus respectfully requested.

The Office has also rejected Claims 1, 3, 4, and 11-13 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over being unpatentable over European Patent 702,969 to Kerr ("Kerr"). Applicants respectfully traverse this rejection for the reasons set forth below.

Kerr teaches a floor mat article having the same general structure as now claimed. However, patentee merely makes a single reference to the possibility of utilizing a non-woven carpet pile substrate, which is now claimed. There is no indication that a non-woven type substrate is any better than a different type (such as a woven, knit, etc.). Furthermore, there is no discussion or fair suggestion anywhere within the four corners of this reference that a specific non-woven carpet pile substrate exhibiting a specific heat shrinkage rate performs any better than any other type of carpet pile substrate. Such a limited carpet pile substrate as now claimed has never been disclosed, discussed, practiced, or suggested within the pertinent floor mat prior art. As noted within Applicant's originally filed specification, the utilization of a non-woven

substrate results in improved delaminating characteristics between the tufted fibers and the pile substrate (as compared with woven or knit constructions). Furthermore, the required heat shrinkage rate results in a finished floor mat article (with rubber backing sheet) which will not exhibit any appreciable rippling or curling after repeated launderings. Again, there is simply no discussion of such a specific requirement within the four corners of this reference. It is thus Applicants' opinion that the citation of Kerr as either an anticipatory or obviousness-based reference is untenable.

Furthermore, Applicant respectfully disagrees with the Office's position that such a specific non-woven carpet pile substrate as now claimed is inherently taught within Kerr. Again, there is no discussion of the importance of such a specific non-woven substrate limitation anywhere within the cited patent. Without any direction from patentee as to produce something so specific, it is not understood first how Kerr would present an anticipatory basis for rejection over the pending claims; patentee does not even exemplify a non-woven substrate, he only mentions a non-woven construction may be utilized (along with a woven, knit, etc.). This mere mention of a non-woven does not rise to the level of anticipation, particularly where the specifically claimed substrate must exhibit certain functional aspects not even alluded to within the cited prior art reference. For a proper anticipatory rejection there must be a teaching of every current claim limitation within the cited prior art; this is clearly not the situation. Reconsideration and withdrawal of such an improper rejection are therefore earnestly solicited.

Also, in order to provide a proper obviousness rejection, the cited prior art must provide some motivation for one of ordinary skill in the art to actually select the specific non-woven

substrate now claimed. Where is this alleged motivation within Kerr? Kerr may provide motivation for the utilization of, at most, a non-woven substrate. The similarities end there, however. Applicants determined the proper non-woven substrate to provide the desired non-rippling and/or non-curling characteristics of the inventive mat. Kerr provides nothing to this effect. Kerr makes no mention of the importance of the carpet pile substrate at all, only that one is present. Again, without any further direction provided by patentee to provide an improved floor mat article through the modification of his carpet pile substrate, it is respectfully submitted that one of ordinary skill in the art would not have reviewed this reference and deduced that a specific non-woven substrate with a particular heat shrinkage rate range would be of any importance to produce such an improved article. Reconsideration and withdrawal of such an untenable basis of rejection are thus respectfully requested.

The Office has also rejected Claims 9 and 10 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over Kerr. The Office has also rejected Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Kerr, in view of WO 96/38298 to Burke et al. The Office has also rejected Claims 6, 7, 15, and 16 under 35 U.S.C. § 103(a) as being unpatentable over Kerr, in view of U.S. Patent 4,820,566 to Heine et al. (Heine). The Office has also rejected Claims 5 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Kerr, in view of Heine, further in view of U.S. Patent 5,906,877 to Popper et al. Furthermore, the Office has also rejected Claims 8 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Kerr, in view of U.S. Patent 4,722,954 to Hallworth et al. First of all, Claim 9 has now been canceled, thus the rejection of this claim is now moot. Applicant has chosen to

reply to these rejections simultaneously since they each rely upon the validity of the primary reference as a proper basis of rejection for the pending claims. Since, as discussed above, Kerr does not provide a sufficient teaching for a proper anticipatory or obviousness rejection over the pending claims (in particular over the two pending independent Claims, the limitations of which must be read into each of the above-listed dependent claims), these bases of rejection of thus also improper. No teaching nor fair suggestion of Applicants' currently claimed floor mat possessing a non-woven carpet pile substrate exhibiting a specific range of heat shrinking rates in combination with a rubber backing sheet exhibiting either a specific range of heat shrinking rates as well, or exhibiting a specific high modulus strength, is provided through a combination of the cited prior art references. Thus, it is respectfully requested that these rejections be reconsidered and withdrawn.



Case No. 2041

CONCLUSION

In view of all of the previous arguments, it is respectfully requested that the preceding amendments and remarks be entered and duly considered, all of the prior rejections of the present claims be withdrawn, and this application be passed on to issue.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, DC 20231, on April 25, 2000, and a postcard receipt.

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